



KYOSHA - Informational Bulletin

Kentucky Department of Labor
Office of Occupational Safety and Health

Reporting Workplace Amputations and Hospitalizations

Beginning November 1, 2006, employers in Kentucky will be required to report the occurrence of all workplace amputations and certain hospitalizations suffered by their employees to the Office of Occupational Safety and Health, Division of Compliance.

This Information Bulletin provides the amended regulatory text, a series of Questions and Answers regarding the regulation's current and new provisions, and an Incident Comparison Table which compares the various requirements for reporting incidents in a quick-reference table.

803 KAR 2:180 Recordkeeping; reporting; statistics.

Section 1. Definitions.

- (1) "Amputation" means an injury in which a portion of the body including bone tissue is removed.
- (2) "Employee" is defined by KRS 338.015(2).
- (3) "Employer" is defined by KRS 338.015(1).
- (4) "Occupational Safety and Health Act" means KRS Chapter 338.
- (5) "Secretary of Labor" means the Secretary of the United States Department of Labor or the Commissioner of the Department of Labor, Environmental and Public Protection Cabinet.
- (6) "Section 11(c) of the Act" means KRS 338.121(3).

Section 2. Employers shall comply with the reporting and recording of occupational injuries and illnesses established at 29 CFR Part 1904, revised as of July 1, 2005, as amended by the definitions in Section 1 and the requirements in Section 3 of this administrative regulation.

Section 3. Reporting fatalities, amputations, or in-patient hospitalizations.

- (1) Employers shall orally report to the Kentucky Department of Labor, Office of Occupational Safety and Health, Division of Compliance, at (502) 564-3070, any work-related incident which results in the following:
 - (a) The death of any employee; or
 - (b) The hospitalization of three (3) or more employees.
- (2) The report required under subsection (1) of this section shall be made within eight (8) hours from when the incident is reported to the employer, the employer's agent, or another employee. If the employer cannot speak with someone in the Frankfort office, the employer shall report the incident using the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).
- (3) Effective November 1, 2006, through December 31, 2008, employers shall orally report to the Kentucky Department of Labor, Office of Occupational Safety and Health, Division of Compliance, at (502) 564-3070, any work-related incident which results in the following:
 - (a) An amputation suffered by an employee; or
 - (b) The hospitalization of fewer than three employees within seventy-two (72) hours following the incident.
- (4) The report required under subsection (3) of this section shall be made within seventy-two (72) hours from when the incident is reported to the employer, the employer's agent, or another employee.



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QUESTIONS AND ANSWERS

Which employers are covered by 803 KAR 2:180? Most general industry, construction, and public sector maritime employers doing business in Kentucky are included. More specifically, the reporting requirements apply to all employers covered under KRS 338.

What are the existing reporting requirements? Currently, 803 KAR 2:180 incorporates by reference 29 CFR 1904, which requires that within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three (3) or more employees as a result of a work-related incident, employers must report the incident.

When will the new requirements of 803 KAR 2:180 take effect? Employers must comply with the new requirements beginning on November 1, 2006.

What are the “new” reporting requirements? In addition to the current requirements, beginning November 1, 2006 employers must also report the following incidents:

- (1) Any amputation suffered by an employee from a work-related incident, and
- (2) any work-related incident which results in the hospitalization of one (1) or two (2) employees, if the hospitalization occurs within seventy-two (72) hours of the incident.

How much time do employers have to report an incident? This depends on the type of incident. Fatalities and incidents which result in the hospitalization of three (3) or more employees must be reported within eight (8) hours. Incidents resulting in the hospitalization of one (1) or two (2) employees, if the hospitalization occurs within seventy-two (72) hours of the incident, must be reported within seventy-two (72) hours. All amputations must be reported within seventy-two (72) hours of the incident. See the Scenario Table below for further explanation.

What if I don't learn about an incident right away? If you do not learn of a reportable incident at the time it occurs, you must make the report within eight (8) or seventy (72) hours, depending on the type of incident, from the time the incident is reported to you or to any of your agent(s) or employee(s).

Who do I contact? You must report to the Office of Occupational Safety and Health, Division of Compliance by telephone at (502)564-3070. In the event of a fatality or an incident which results in the hospitalization of three (3) or more employees, if you can not reach the Division of Compliance, you must call the OSHA hotline at 1-800-321-OSHA (1-800-321-6742).

What information do I need to give about the incident? You must give the following information for each incident: the establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, names of affected employees, your contact person and his or her phone number, and a brief description of the incident.

Where can I get further assistance? Cost-free assistance regarding incident reporting and other occupational safety and health concerns is available from:

KYOSHA Division of Education and Training
U.S. Hwy 127 South, Frankfort, KY 40601

(502)564-3070
www.labor.ky.gov



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INCIDENT COMPARISON TABLE

| Incident | Reporting Time¹ | Report To | Time Limitation | Effective Date |
|---|-----------------------------------|--|--|-----------------------|
| Fatality | Report within 8 hours | Division of Compliance (502) 564-3070 After hours call: OSHA (800) 321-6742 | Fatalities which occur more than 30 days following an incident are not required to be reported. ² | Jan. 4, 2004 |
| 3+ employees hospitalized in single incident (catastrophe) | Report within 8 hours | Division of Compliance (502) 564-3070 After hours call: OSHA (800) 321-6742 | Catastrophes which occur more than 30 days following an incident are not required to be reported. ² | Jan. 4, 2004 |
| Amputation | Report within 72 hours | Division of Compliance (502) 564-3070 | Not applicable. | Nov. 1, 2006 |
| 1 or 2 employees hospitalized in single incident | Report within 72 hours | Division of Compliance (502) 564-3070 | Hospitalizations which occur more than 72 hours following an incident are not required to be reported. | Nov. 1, 2006 |

Notes:

1. Reporting time is the time from which an employer, employer's agent, or another employee first becomes aware of the fatality, catastrophe, amputation, or hospitalization.
2. See: 29 CFR 1904.39(b)(6).

